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NOTIFICATIONS BY GOVERNMENT

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT (M)

THE ANDHRA PRADESH REGULARISATION OF UNAPPROVED LAYOUTS AND PLOTS RULES, 2020

[G.O.Ms.No.10, Municipal Administration & Urban Development (M) Department, 08th January, 2020]

NOTIFICATION

In exercise of the powers conferred by section 44-A of the Andhra Pradesh Town Planning Act, 1920, section 585 of the Municipal Corporation Act, 1955, section 326 of the Andhra Pradesh Municipalities Act, 1965, section 18(1) of the Andhra Pradesh Capital Region Development Authority Act, 2014 and section 116(1) of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, the Government of Andhra Pradesh hereby make the following Rules:

1. These Rules may be called “The Andhra Pradesh Regularisation of unapproved Layouts and Plots Rules, 2020” and they shall come into force with immediate effect.

2. Applicability:

(1) These Rules shall be applicable to all the following in the State:

- (a) The Andhra Pradesh Capital Region Development Authority (except Capital city),
- (b) Vishakhapatnam Metropolitan Region Development Authority (VMRDA),

- (c) Visakhapatnam- Kakinada Petroleum Chemical and Petrochemical Investment Region Special Development Authority(VK-PCPIRSDA),
- (d) All Urban Development Authorities,
- (e) Municipal Corporations, Municipalities, Nagar Panchayats
- (f) Gram Panchayats falling outside of Urban Development Authorities and covered by Master Plans / Zonal Development Plans.
- (g) Industrial Area Local Authorities (IALAs)

(2) These Rules and conditions herein shall be applicable to all existing unapproved sub-division of plots, existing unapproved layouts or ventures promoted by land owners/private developers / firms / companies / property developers / societies where the plot/plots with registered sale deed prior to 31.08.2019. The Plot/Plots is/are eligible for Regularisation when the said plot/Plots is/are part of unauthorized layout with clear sub-division of land and with clear demarcation of plots and roads.

(3) In the event of only some plots holders are coming forward for regulation in an unapproved layout, the layout pattern as approved by the Competent Authority shall be applicable to the entire layout area. The local authority shall be responsible for enforcing such approved layout pattern.

3. Definitions:

- (1) **“Unapproved layout”** means sub-division of land into plots with or without developed roads, open spaces and amenities and without the approval of the Competent Authority.
- (2) **“Unapproved plot”** means plot within the unapproved layouts.
- (3) **“Competent Authority”** is the authority who is empowered to accord in-principle approval of Layout pattern
 - (a) The Commissioner of Andhra Pradesh Capital Region Development Authority in case of Municipalities/Nagar Panchayats and Gram Panchayats falling in its jurisdiction.
 - (b) The Commissioner of Vijayawada and Guntur Municipal Corporations in case of areas falling in their jurisdiction.
 - (c) The Metropolitan Commissioner of Vishakhapatnam Metropolitan Region Development Authority in case of Municipal Corporations (other than Greater Visakhapatnam Municipal Corporation) / Municipalities / Nagar Panchayats and Gram Panchayats falling in its jurisdiction.
 - (d) The Commissioner of Greater Visakhapatnam Municipal Corporation in case of areas falling in its jurisdiction.
 - (e) The Vice chairman of Visakhapatnam- Kakinada petro chemical and petro investment Region Special Development Authority (VK-PCPIR SDA) in case of areas falling in VK-PCPIR SDA limits.
 - (f) The Vice Chairmen of the Urban Development Authorities in case of areas falling in TUDA/PUDA;
 - (g) In the areas not covered above, the Director of Town & Country Planning is the authority who is empowered to accord in-principle approval of Layout pattern or his delegated Officer.
 - (h) Any authority declared as Competent Authority by the Government.

(4). “**Sanctioning Authority**” is the authority authorized to implement the layout pattern approved by the Competent Authority and regularize the individual plots duly following the layout pattern approved by the Competent Authority.

- (a) The Commissioner of Andhra Pradesh Capital Region Development Authority in case of Gram Panchayat areas falling in APCRDA limits.
- (b) The Metropolitan Commissioner of Vishakhapatnam Metropolitan Region Development Authority in case of Gram Panchayat areas falling in VMRDA limits.
- (c) The Vice chairman of Visakhapatnam- Kakinada Petroleum Chemical and Petrochemical Investment Region Special Development Authority (VK-PCPIRSDA) in case of Gram Panchayat areas falling in VK-PCPIR SDA limits.
- (d) The Vice Chairmen of the Urban Development Authorities in case of Gram Panchayat areas and IALAs falling in their respective jurisdiction;
- (e) The Commissioner in case of areas falling in Municipal Corporations, Municipalities and Nagar Panchayats.
- (f) The Panchayat Secretaries of concerned Gram Panchayats in case of Gram Panchayats falling out of UDAs and covered with Master Plans with the prior approval of Regional Deputy Director of Town Planning concerned.
- (g) Commissioners of concerned Industrial Area Local Authorities, in case of IALAs falling outside of UDAs.

(5) “**Layout Pattern**” means layout plan approved by the Competent Authority with or without changes, to the layout plan submitted by the layout promoter/Society /Association or the layout prepared suo- motu by the sanctioning authority and approved by the Competent Authority for the purpose of improving the layout in the interest of planned development.

(6) “**Plot holder**” means a person on whose name the plot is registered with a registered sale deed prior to the cut-off date.

Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective Rules / Regulations of the respective local authorities and as defined in the National Building Code or relevant Acts as the case may be, unless the context otherwise requires.

4. Cut-off date for considering regularisation of unapproved layouts:

Only those unapproved layouts and sub-division of plots with registered sale deed/title deed as a plot prior to 31.08.2019 shall be considered for regularisation under these rules.

5. Eligibility for submission of Application:

- (1) It shall be compulsory for any plot owner in unapproved layouts to file an application for regularisation of the plot/layout within 90 days from the date of notification of these rules.
- (2) Application for regularisation of unapproved layouts and subdivision of plots can also be made by a society/association/colony developer representing the plot owners in unapproved layouts. In such cases, the applicants shall be wholly and severally responsible to comply with the conditions and pay the requisite fees and charges as prescribed in these rules.

(3) Application procedure:

The application for Regularisation of Unapproved Layouts and Plots shall be made through online module developed and monitored by Director of Town & Country Planning.

(4) Documents to be enclosed along with the application:

- (a) Site plan drawn to scale with dimensions of the plot, width of roads.
- (b) A copy of Topo sketch showing the location of layout and connectivity of the layout to the public road and physical features surrounding the layout.
- (c) Detailed Layout Plan drawn to scale showing plotted area, open area, area under roads and the plot/ plots applied for regulation.
- (d) Self attested Copy of registered sale deed/title deed executed prior to 31.08.2019.
- (e) Location Plan
- (f) Latest Encumbrance Certificate (EC).
- (g) Land Conversion Certificate (LCC)/Receipt of intimation of payment for land conversion under Andhra Pradesh Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 as amended (not applicable for the sites registered as plots prior to 02.01.2006).
- (h) Indemnity Bond in the format prescribed.
- (i) Road widening undertaking in the format prescribed.
- (j) NOC from Defense Authority (In case of sites within 500m from the boundary of defense areas/military establishments.
- (k) NOC from Airport Authority of India (AAI) in case the sites falls within the restricted zone of airport.

6. Sites not eligible for Regularisation:

- (1) Encroachment on Government land owned by either State or Central Government or any PSU of State/Central or any Public Authority.
- (2) Land for which the applicant has no title;
- (3) Surplus land declared under Urban Land Ceiling /Agriculture Land Ceiling/ lands resumed under the Andhra Pradesh Assigned Lands (POT) Act, 1977.
- (4) Plots affected under alignment of any proposed road, sites earmarked as Open Spaces/Recreational Use Zone / Water Body under Master Plan / Zonal Development Plan / Road Development Plan or any other public roads/Mass Rapid Transportation System (MRTS) /Bus Rapid Transportation System (BRTS).
- (5) Lands notified or acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Land Acquisition Act, 1894 for public purpose.
- (6) All water bodies, including defunct / abandoned as per the Supreme Court orders.
- (7) Within the Highest Flood Level (HFL) of river course, nala, Gedda and within the Full Tank Level (FTL) of any lake, Pond, Cheruvu or Kunta.
- (8) The water bodies and courses shall be maintained as recreational/Green buffer zone, and no layout development activity other than recreational use shall be carried out within:
 - (a) 50 meters from the boundary of the major rivers within the limits of Local Authorities. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.

- (b) 30 meters from the FTL boundary of Lakes/Tanks/ Kuntas of area 10Ha and above/other than major rivers.
- (c) 9 meters from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;
- (d) 9 meters from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than10m.
- (e) 2 meters from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to10m.
- (9) In case of prohibited areas along the sea coast, the Coastal Regulation Zone Regulations shall be followed.
- (10) In case of sites in the vicinity of oil/gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.
- (11) Sites falling within 30 meters from the Railway boundary.
- (12) The land below the electrical tower line to a width of base and 10 meters on either side.
- (13) Plots/Sites allotted by the Government/Public authorities for specific purpose.
- (14) Sites under legal litigation/ disputes regarding ownership.
- (15) Vacant plots blocking access to surrounding lands which do not have any other means of access.
- (16) Open Spaces earmarked in any approved or regularised layout.
- (17) Quarry Sites/Marshy Lands/Water logged areas which are not fit for building construction.
- (18) Sites allotted by the APIIC/Government for specific purpose.
- (19) All Assigned Agricultural lands.

7. Norms to be insisted for Regularisation:

The Competent Authority shall ensure the following minimum norms:

- (1) The unapproved layout seeking Regularisation shall be a contiguous piece of land.
- (2) Any layout for Regularisation shall have access through a public road or gain access from a public road through a passage over which the applicant has the right to access.
- (3)(a) The abutting road width for any plot within the layout shall be minimum 9 meters or as specified in the Master Plan. In case, required road width is not available the road shall be widened by taking equal depth of site on both sides and applicant shall handover the same to the local body through undertaking.
 - (b) In case of weaker section layouts, the road width shall be minimum 6 meters.
 - (c) The Competent Authority shall have right to insist higher road widths, buffer zones based on the requirement.
- (4) In case of application for regularization in which some of the plots are unsold and vesting with Developer/Land Owner, 14% open space of such unsold plots shall be handover to the local body through the registered gift deed.
- (5) Shall ensure overall connectivity and integration with surrounding infrastructure and road pattern.
- (6) Where an unapproved layout site is affected in the Statutory Master Plan road network, the Sanctioning Authority shall retain the alignment in the said layout and if not feasible, he/she is authorized to suitably modify the

alignment with the prior approval of Competent Authority within the layout site but deletion of road is not allowed.

(7) The layout pattern as far as possible shall be retained ipso facto and only in exceptional cases like need for connectivity, integration with surrounding network, etc. modifications may be considered by the Competent Authority.

8. Scrutiny by the Competent Authority:

(1) For Regularisation of Unauthorised Layout Pattern:

The regularisation of layout patterns can be done by the Competent Authority in two cases.

- (a) On receipt of application from the layout owner / Society / Association in which some of the plots were already sold.
- (b) Layouts identified and prepared suo-moto by Sanctioning Authority.
- (c) After receipt of applications from the layout owner/society/Association through sanctioning authority the concerned Competent Authority shall scrutinize applications with respect to the following parameters:
 - (i) The sanctioning Authority has to prepare layout plans as existing on ground or collect from different sources along with the copy of layout plan, name of the revenue village, survey numbers or ward numbers, town survey numbers, and its extent along with specific recommendations to the concerned Competent Authority within Thirty (30) days from the date of notification of these rules for in-principle approval of layout pattern.
 - (ii) Upon receipt of application specified in rule 8(1)(a) and (b), the details of unapproved layouts, the Competent Authority shall accord in-principle approval for layout pattern and communicate to the sanctioning authority within Fifteen (15) days who shall immediately notify all such layouts duly inviting objections and suggestions on the layout pattern by giving a time period of Fifteen (15) days.
 - (iii) After expiry of time period, all the objections and suggestions received, if any, shall be examined and shall finalise the layout pattern. If any changes are proposed to the in-principle layout pattern, the sanctioning authority shall consult Competent Authority to confirm the same. The scrutiny of the single plot regularisation shall be done accordingly.
 - (iv) Regularisation of unapproved layout framework will not automatically regularise the individual plot in the layout. The individual plot owner/promoter (in the case of unsold plots) shall apply for regularisation of his/her plot/plots separately.
 - (v) In case of applications which are found to be not in accordance with these rules, orders shall be issued for rejection.
 - (vi) The Sanctioning Authority shall forward the copy of the in-principle approved layout framework to the registration department for entering the details of the open spaces and roads in the prohibitory property watch register.
 - (vii) Mere submission of application will not imply the approval of the application.

(2) Regularisation of Individual Plots:

- (a) The individual plot in a layout shall be scrutinized with reference to the in principle approved layout pattern.

(b) The scrutiny of application and communication of its approval or rejection shall be intimated to the applicant as early as possible but not beyond Six (6) months from the last date of receipt of applications.

9. Regularisation Charges

- (1) Penalization Charges: Applicable for all plots
- (2) Open space Charges: Applicable for plots where Open space is not available
- (3) Conversion Charges: Applicable for plots falling in Master Plan land uses other than the uses under Recreational/Water bodies /Master Plan roads/Open Space/ Quarry Zone/Marshy lands

Penalization Charges

The applicant shall pay the fees and charges as detailed below:

- (a) Penalisation charges are fixed based on plot size and value of the land. For smaller plots and lower value plots the charges are fixed at lower rates.
- (b) Penalisation charges are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and any other fee/charges as shown in Table –I
- (c) The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 01.08.2019 as shown in Table –II

Table I
Basic Penalization Charges

Plot Area in Sq. Mts	Basic Pro-rata Penalization Charges in Rs per Sq.mt
Less than 100	200
101 to 300	400
301 to 500	600
Above 500	750

Table II
Actual Penalisation charges with reference to land value

Basic Value of the land as on 01.08.2019 (as per Sub- Registrar) in Rs per sq.yard	Actual Penalisat ion Charges (% of basic penalization charges)
Below 3000	20%
3001 to 5000	30%
5001 to 10000	40%
10001 to 20,000	50%
20,001 to 30,000	60%
30,001 to 50,000	80%
Above 50,000	100%

Proportionate Open Space Charges

- (a) In addition to the penalization charges, the applicant shall pay 14% of the plot value (Basic Value of the land as on 01.08.2019 as per Sub- Registrar) towards open space charges if 10% open space is not available.
- (b) However, if part of the required 10% open space area is available in the layout then such available area shall be deducted in the calculation of open space charges. Such open spaces shall invariably in the possession of urban local bodies.

(c) As a relief to the plot owners, a concession of 50% of the open space charges calculated above shall be applicable.

Conversion Charges

(a) In cases where an application is received in a site that is contrary to the land use stipulated in the statutory plan, the Competent Authority can regularize the same except those specified in Rule 6 by levying the necessary Change of Land Use (CLU) charges.

(4) Charges specified in these rules are inclusive of the normally leivable charges. Therefore, ULBs/UDAs shall not collect any other charges other than the charges specified in these rules for issue of regularisation order for the plot/layout.

10. Applicant shall pay minimum of 50% of penalization charges along with application. However, in any case it shall not be less than Rs.10,000/-

11. Incentives

Applicant can avail certain incentives as follows;

(1) If applicant pays full amount within Forty five (45) days from the date of notification of these rules, an incentive of 10% on penalization charges will be considered.

(2) Similarly, if the applicant pays full amount after Forty five (45) days and before Ninety (90) days, from the date of notification of these rules, an incentive of 5% on penalization charges will be considered.

Note: Incentive will not be applicable on open space and conversion charges

12. Rejection:

In cases of rejection, the amount paid shall be refunded to the applicant after retaining Rs. 10,000/- towards scrutiny and processing charges. In case of bonafied error, in calculation, the excess amount paid shall be refunded.

13. Failure to come forward for regulation of unapproved layouts/plots:

Where an application is not filed for regulation of unapproved layout/plot, the following consequences have to be faced by the plot owners:

(1) Such unapproved layouts/plots would be treated as continuing offence and exemplary penalty as per law would be levied.

(2) Electric power, water supply, drainage and sewerage will not be allowed to such plots

(3) Such unapproved layouts shall be recorded in the Prohibitory property watch Register of the Registration Department and no sale /disposal or transactions shall be allowed in such sites.

(4) No building approvals shall be considered by the building sanctioning authority in such unapproved layouts/plots.

14. Amount levied kept in separate account:

(1) The amount collected under these rules shall be kept and maintained in a separate account.

(2) The amount so collected shall be shared between Development Authority and Gram Panchayats, Nagar Panchayats, Municipalities, Corporations, concerned in the ratio of 50:50.

15. The amount collected towards open space charges shall be utilized for the purpose for which it is collected.
16. The proceeds arising from the regularization are exclusively utilized for capital works leading to revenue generation for the concerned UDAs/Local Bodies, helping them to become self-sustaining.

17. Appeal:

- (1) Any applicant aggrieved by an order passed by the Sanctioning Authority, may prefer an appeal to the following Appellate Committee within thirty (30) days from the date of receipt of the order.

(a)	Commissioner and Director of Municipal Administration	Chairman
(b)	Director of Town & Country Planning	Member Convener
(c)	Engineer-in-Chief, (Public Health)	Member

- (2) The appeal shall be referred to the Director of Town & Country Planning who shall examine the same duly obtaining detailed remarks from the concerned Sanctioning authority.
- (3) The sanctioning authority shall submit the detailed remarks within Fifteen (15) days.
- (4) All the appeals shall be disposed off within Forty five (45) days from the date of receipt of appeal.
- (5) The decision of the appellate committee shall be final.
18. The expenditure incurred for development and maintenance of Software and supporting man power shall be met from the penal amount collected under this scheme and the Director of Town & Country Planning shall take necessary action accordingly.
19. The Government may issue guidelines to operationalise these Rules as deemed fit.
20. All existing Rules, Regulations, Bye laws and orders that are in conflict or inconsistent with these rules shall stand modified to the extent of the provisions of these rules.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT